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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,661	05/17/2006	Pantaleo Piumelli	2502-1082	3434
466 7590 02/18/2009 YOUNG & THOMPSON 209 Madison Street Suite 500 ALEXANDRIA, VA 22314			EXAMINER RAMSEY, JEREMY C	
			ART UNIT 3634	PAPER NUMBER
			MAIL DATE 02/18/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/541,661

**Applicant(s)**

PIUMELLI, PANTALEO

**Examiner**

JEREMY C. RAMSEY

**Art Unit**

3634

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-85/86)
- Paper No(s)/Mail Date 08 JUL 05
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Inventor's Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 11 and thus its dependent claims, the phrase "such as" renders the claims indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 11-14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rekret 5,718,276 in view of Kendall et al 4,589,240.

3. In re claim 11 with reference to Figures 4 and 5, Rekret '276 discloses a panel for sectional doors comprising:

- A first end having a outer substantially circular profile (15) and a more inner narrow connecting part (17), and a second end opposite the first having a recess (21) arranged to receive the outer part (15) of another panel with identical ends
4. Rekret '276 fails to disclose:
- Comprising a first profiled metal plate and a second profiled metal plate connected together to form an innerspace, filled with an insulant.
5. With reference to Figures 3 and 5, Kendall et al '240 disclose:
- Comprising a first profiled metal plate (16) and a second profiled metal plate (17) connected together to form an innerspace, filled with an insulant (12).
6. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the panels from two profiled metal plates filled with an insulant as taught by Kendall et al '240 in order to provide a unit of high structural rigidity and durability. (column 1, lines 65-68)
7. In re claims 12-14 and 18 the panels of Rekret/Kendall et al obvious disclose:
- The first end is obtained by the union of two arcs (splitting the outer part 15 of Rekret to be formed of two plates as taught by Kendall would produce two arcs), joined by a pair of tabs ((18)(19) Kendall) and radius joined to the body of the panel by shaped connection portions ((10)(19)(17) Rekret)

- The recess is formed the union of two circumferential arcs (splitting the recess (21) of Rekret to be formed of two plates as taught by Kendall would produce two arcs) joined by a pair of tabs ((18)(19) Kendall) and radius joined to the body of the panel by shaped fixing profiles (10)(11a).
- The shaped fixing profile portions (11a and opposite corner) are formed such that the access mouth (12) are positioned below the center of the recess (21) and have a minimum distance apart which is less than the diameter of the outer part (15).
- A sectional door formed from the panels. (Figure 5, Rekret)

8. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rekret 5,718,276 and Kendall et al 4,589,240 as applied to claim 11 and further in view of Martin 7,055,573.

9. In re claims 15 and 16, the panels of Rekret/Kendall et al has been discussed above but fails to disclose:

- The outer part is slightly inclined towards the interior of the space to prevent squashing of the fingers until the angle between the panels is  $\pi/6$  radians.

10. With reference to Figure 4B, Martin '573 discloses:

- The outer part (56) is slightly inclined towards the interior of the space to prevent squashing of the fingers. until the angle between the panels is  $\pi/6$  radians. (approximation from comparison between figures)

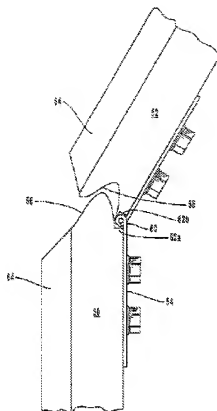


Fig. 4B

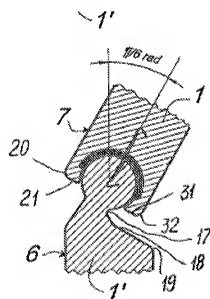


FIG. 6B

11. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the outer part inclined towards the interior of the space as taught by Martin '573 in order to reduce the gap section of a door and prevent injury due to the joint gap. (column 4, lines 35-41)

12. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rekret 5,718,276 and Kendall et al 4,589,240 as applied to claims 11 and further in view of Porta 5,075,927.

13. In re claim 5, the panel of Rekret/Kendall et al has been discussed above but fails to disclose:

- A plurality of half ring self lubricating material.

14. With reference to Figure 2, Porta '927 discloses:

- A half ring self lubricating material (36).

15. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a self lubricating material as taught by Porta in order to reduce friction, thereby extending the life and making for easier operation.

### ***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEREMY C. RAMSEY whose telephone number is (571)270-3133. The examiner can normally be reached on Monday-Friday 6:30 am-4:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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